



REMARKS/ARGUMENT

It appears from the Office Action that the Examiner has not directed his attention to the correct set of claims. The correct claims appear in the sheets labeled "amended sheet", copies of which are attached hereto. These claims are 1 to 13. The present amendment is directed to those claims.

Claim 7 has been cancelled and its subject matter included in claim 1. Claim 14, drawn to the species elected below, has been added. Claims 6 and 8 have been amended to conform with claim 1.

Reconsideration of the non-entry of the preliminary amendment is respectfully requested, attention being directed to the amended sheets of claims.

In response to the requirement for election of species dated September 17, 2001, Applicants hereby elect as follows:

- A. As to the main fermentation emissions, Applicants elect a mixture of ethyl acetate and ethanol;
- B. As to the lesser fermentative emissions, Applicants elect a mixture of phenol and acetoin.
- C. As to the plant source, Applicants elect sugar cane.

Claims 1 to 13 are readable on or more specific than claim 14.

New claim 1 is novel in view of the document cited by the Examiner (Giblin-Davis et al., Journal of Chemical Ecology (1996), vol. 22, no. 8, pp 1389-1409) because, among other things, that reference discloses the use of mixed baits consisting of (i) sugar cane or substitutes thereof, (ii) ethyl acetate and (iii) metalure in separated recipients. Thus, present claim 1 differs from the reference, among other things, in that the reference does not disclose the combination, in the same recipient, as a proper mixture, of the components.

From both physical arrangement and chemical formulation, the differences between a mixed bait (comprising plant tissues and chemical compounds in separated recipients, as disclosed by the reference) and a homogenized bait wherein all the components are intimately mixed in the same recipient from which the insect attracting compounds are evaporated, are clear and evident. Since

the mixture of claim 1 can be distinguished over the composition disclosed by the reference then the mixture of proposed new claim 1 is novel.

Additionally, the presence of component B, enhances the effect of components A and C, thus achieving a synergic effect. See Example 1, Table 1.

For the reasons above presented, it is submitted that this application is allowable.

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Commissioner of Patents and Trademarks, Washington, D.C. 20231, on January 16, 2002.

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Signature

January 16, 2002

Date of Signature

Respectfully submitted,


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